

CHAPTER 4

TRANSPORTATION BETWEEN DOMICILE AND PLACE OF EMPLOYMENT

4-1. General

- a. The use of DoD motor vehicles shall be for official purposes only.
- b. Except as specifically provided therein, 31 **U.S.C.** 1344 (reference (c)) prohibits the use of an official vehicle for transport from an individuals domicile to place of employment, commonly known as domicile-to-duty.
- c. In **areas** outside of the United States, Unified Combatant Commanders may, in accordance with 10 **U.S.C.** 2637 (reference (z)), provide government transportation for certain individuals when it is determined that public or private transportation is unsafe or unavailable. (See 4-3, **Exceptions.**)

4-2. Policy

- a. 31 **U.S.C.** 1344, (reference (c)), as amended, authorizes domicile-to-duty transportation on an exception basis for individuals filling certain positions. These positions are listed in Appendix A. Domicile-to-duty transportation for these individuals is considered an employer-provided fringe benefit and taxable income under current Law and Regulations (26 **U.S.C.** 61 and 132 (reference **(aa)**)). Such persons will receive guidance on their tax liability in accordance with paragraph 1-2(b) **(2)**. A person in an "acting" **capacity** in any of these positions is not authorized domicile-to-duty transportation.
- b. The comfort and convenience of an official shall not be considered justification for the approval of domicile-to-duty transportation.
- c. Domicile-to-duty transportation shall only be authorized within the usual commuting area for the locale of the official's place of employment.
- d. Domicile-to-duty transportation, provided pursuant to the authority in paragraph 4-1 (c) is not considered an employer-provided fringe benefit under current Law, but is mission essential, and as a matter of DoD policy is not a taxable fringe benefit.
- e. 31 **U.S.C.** 1344 also provides that The Secretary of Defense and the Secretaries of the Military Departments may authorize, in writing, on a **nondelegable** basis, domicile-to-duty transportation for other personnel only under the following conditions:
 - (1) Considered essential in response to highly unusual circumstances that present a clear and present danger, and public or private transportation cannot be used.
 - (2) **An emergency exists.**
 - (3) Other compelling operational considerations make such transportation essential to the conduct of business.

(4) Considered essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties.

(5) Required for those individuals who perform field work; i.e., work performed by an employee whose position requires the employee's presence at various locations that are a significant distance from the person's place of employment (itinerant-type travel involving multiple stops within the accepted local commuting area) or at a remote location that is accessible only by Government-provided transportation. The field work authorization **may not** be used under the following conditions:

(a) The individual's workday begins at an official duty station.

(b) The individual normally **commutes** to a fixed location, however far removed from the official duty station.

f. Transportation of Official Visitors. Official **non-DoD** visitors invited to participate in DoD activities may be provided fare-free transportation between commercial transportation terminals or residence and visitation point.

g. Personnel authorized domicile to duty transportation may elect to share space in a government passenger carrier with other individuals on a space-available basis provided that the passenger carrier does not travel additional distances as a result.

h. Transportation Terminals. Motor vehicles owned or otherwise controlled by the DoD shall be used for trips between domiciles or places of employment and commercial or military terminals only when:

(1) Used by individuals authorized transportation between domiciles and places of employment.

(2) Necessary because of emergency situations or to meet security requirements.

(3) The terminals are located in areas where other methods of transportation (see chapter 2, section 2-8) cannot meet mission requirements in a responsive manner.

(4) Authorized by subparagraph 4-2 g.

(5) Authorized in the NCR by DoD Instruction **4515.7** (reference (b)).

i. Based on the provisions of 41 CFR 101-6 (reference **(bb)**), domicile-to-duty transportation shall only be authorized when such transportation substantially increases the efficiency and economy of the Department of Defense. Unauthorized or willful misuse of a DoD motor vehicle shall be cause for action as described in Chapter 1, paragraph 1-3 (a) and (b,).

4-3. Exceptions

a. In accordance with 10 U.S.C. 2637 (reference (z)), the Secretary of

Defense has given overseas Unified Combatant Commanders authority to provide to the individuals listed below transportation in areas outside the United States, including domicile-to-duty transportation, where it is determined by the Unified Combatant Commander that public or private transportation is unsafe or unavailable (e.g., terrorist activity, strikes, natural disasters, etc.)

- (1) Members of the Uniformed Services.
- (2) Federal employees.
- (3) Spouses and dependents of such employees.

b. The following requirements pertain to transportation authorized by section 2637:

- (1) The initial transportation authorization will not exceed 90 days.
- (2) If the conditions for the transportation authorization persist, the Unified Commanders may extend the authorization for vehicle use for additional specific time periods not to exceed 90 days per authorization.
- (3) All approvals and the reasons for such authorization shall be in writing.
- (4) The approving commander shall ensure that records are maintained on the transportation provided under this authority.

c. The Unified Combatant **Commander** shall assess the provisions of such transportation, to determine if the circumstances requiring such transportation should continue.

d. When it is determined that the motor vehicle transportation is required, the following methods shall be considered in the order shown, to the extent they are available and capable of meeting transportation requirements.

- (1) DoD - Scheduled bus service.
- (2) DoD - Specially scheduled leased or owned bus service.
- (3) Van pools.
- (4) DoD motor vehicle centrally dispatched "taxicab" operation.
- (5) DoD motor vehicles individually dispatched to licensed uniformed service member or federal employee.

e. Spouses and dependents are not permitted to operate the vehicles listed in paragraph 4-3 (d) .

f. The Unified Combatant **Commander** will ensure that adequate records are maintained on transportation provided under this authority.

4-4. Guidance

a. **31 U.S.C** 1344 (reference (c)) (see paragraph 4-2e.) authorizes domicile-to-duty transportation in situations involving highly unusual circumstances (e.g., a clear and present danger, an emergency, or other compelling operational considerations,) .

(1) The request for domicile-to-duty transportation shall be submitted through the appropriate military channel. Domicile-to-Duty transportation requests emanating from the Joint Staff and the Defense Agencies will be forwarded through established OSD channels.

(2) The Agency Head (Secretary of Defense, Secretaries of the Military Departments) may approve **(nondelegable)** a written determination containing the following information:

(a) The name (or other identification, if confidential) and title of the individual.

(b) The reason for the determination.

(c) The anticipated duration of the authorization.

(3) The initial duration of a determination shall not exceed 15 consecutive days. Should the circumstances continue, the Agency Head may approve a subsequent determination of not more than 90 additional consecutive days. If at the end of the subsequent determination, the circumstances continue to exist, the Agency Head may authorize an additional extension of 90 consecutive days. This process may continue as long as required by the circumstances. The Commander-in-Chief **(CINC)** shall ensure that records are maintained on transportation provided under this authority.

(4) With the exception of those authorizations approved in accordance with subparagraph 4-4 b., subparagraph 4-4 c., and 4-4 d. each initial determination shall be submitted to Congress promptly, but not later than 30 days after approval. Subsequent determinations may be consolidated into a single report and submitted quarterly. The reports shall be sent to the following:

(a) **Chairman**, Committee on Governmental Affairs
United States Senate
Dirksen Senate Office Building, Suite SD-340
Washington DC 20510

(b) Chairman, Committee on Government Operations
House of Representatives
Rayburn House Office Building, Suite 2157
Washington DC 20515

(5) **A copy** of each notification letter to Congress shall be sent **to:**

Assistant Deputy Under Secretary of Defense
Transportation Policy
3500 Defense Pentagon
Washington, DC 20301-3500

b. For domicile-to-duty transportation involving "field work", (as defined in 41 CFR 101-6 (reference (bb)) :

(1) The Agency Head must approve, in writing, those positions authorized for "field work." These authorizations may cover periods of up to two years from the date of approval. Some examples of field work **could** include:

(a) Medical officers performing outpatient medical service away from a hospital.

(b) Military recruiters who proceed directly from their domiciles to conduct official recruiting matters, when it is determined to be infeasible or impractical for the recruiter to first proceed to an office location where the government motor vehicle is normally garaged.

(c) Quality assurance representatives, auditors, subsistence procurement agents, and inspectors who perform field work involving--itinerant travel.

(2) The field work determination should contain sufficient information such as the position title, number of employees, and operational level where the work is to be performed to satisfy an audit, if necessary.

(3) The assignment of an individual to such a position does not, of itself, entitle that individual to receive daily domicile-to-duty transportation. When authorized, such transportation should be provided only on days when the individual actually performs field work.

(4) All field work determinations shall be updated and approved biannually by the Agency Head.

c. Domicile-to-duty transportation involving the performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties:

(1) Within each DoD Component engaged in an intelligence, counterintelligence, protective services, or criminal law enforcement mission, justification for domicile-to-duty transportation, considered essential for the efficient conduct of such mission, shall be submitted to the appropriate Secretary.

(2) All domicile-to-duty transportation authorizations must be approved in writing by the Secretaries. There is no requirement for reports to Congress for domicile-to-duty transportation provided under the provisions of paragraph 4-3 a. Each agency shall, however, maintain a central record system of those positions or persons for whom domicile-to-duty transportation is authorized. In addition, each approving authority shall establish a procedure to review, on an annual basis, the continued need for these domicile-to-duty authorizations.

4-5. Logs

a. Logs or other records shall be maintained:

(1) Locally for a period to conform with agency records disposition schedules.

(2) The **logs** or records must contain the following information:

(a) Name and title of employee (or other identification, if confidential) using the passenger carrier.

(b) Name and title of person authorizing use.

(c) Passenger carrier identification.

(d) Date.

(e) Location.

(f) Duration.

(g) Circumstances requiring domicile-to-duty transportation.

b. The requirement to maintain logs for domicile-to-duty transportation applies equally to all categories of vehicles.